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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

GONZALEZ, JULIO C

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 09/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/602,525

Applicant(s)

FIFE, W. R. HUGH

Examiner

Julio C. Gonzalez

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 25-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 17 June 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of claims 25-29 in Paper No. 12 is acknowledged. The traversal is on the ground(s) that a thorough search and examination would not be a serious burden on the examiner and the search would be relevant to both groups of inventions. This is not found persuasive because Group I claims do not require means for reducing vibration since the bracket assembly may be able to support other structures or be used for other purposes such as hold a stator in place and not necessarily be used to reduce vibrations. Moreover, a reduction vibration device as disclosed in claim 25 does not have to have all of the elements as disclosed in claim 1. Such modifications may imply different inventions and thus, more than one invention may be claimed.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-24 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The disclosure in page 3, lines 30-34 discloses that the bracket assembly "provide a configuration effectively achieving the desired natural frequency". How do the plates help to achieve this desired frequency? Also, in page 5, lines 1-8, it is disclosed that the bracket assembly adds stiffness. How is the stiffness related to obtaining a desired frequency? How is the desired frequency determined?

The disclosure is not clear enough as to how the brackets would be able to maintain the "natural frequency" of the device. How the brackets accomplish such task? Does reinforcing the bracket assembly automatically provide a desired "natural frequency"? What is considered a "natural frequency"?

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the claim discloses that there are end plates 48, 50 and support plates 54, 62. It seems like if end plate 48 and support plate 54 is the same component. From figure 1, it seems like if end plate 48 is a surface and the support plate 54 is another surface perpendicular to the end plate 48 and the intermediate end plate 56 is another surface of the support plate 54.

The disclosure in page 3, lines 17-23 discloses that the support plate 54 extends from the support plate 48. Nowhere in the disclosure, it is mention that the first end plate 48 and the support plate 54 are two distinct, separate plates. On the contrary, in figure 3, it appears as if the first end plate 48 and the first support plate 54 are the same component. The plates 48 and 54 seemed to be different surfaces of the same device. The same applies for plates 50 and 62 in figure 3.

Also, the support member 46 seems to be an internal surface of the support plates. Are the plates different surfaces of one device? Or are the plates different parts of different components? Is the invention about different plates or different surfaces? It seems from figure 3 like if the support member 46 is a different surface of the support plates.

In order to advance prosecution in the merits, the Prior Art will be applied as best understood by the examiner.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 4-6, 8-15, 17-19 and 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by King et al.

King et al discloses a bracket assembly for an electric machine having a base 79, support plates 81, support member 11, first and second end plates (see figure 1).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al in view of Cunningham.

King et al discloses a bracket assembly for an electric machine having a base 79, support plates 81, support member 11, first and second end plates (see figure 1).

However, King et al does not disclose that the support plate can be substantially planar.

On the other hand, Cunningham discloses for the purpose of isolating torsional vibration from the machine, a support plate that is substantially planar (see figure 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design an bracket system as disclosed by King and to modify the invention by making a support plate planar for the purpose of isolating torsional vibration from the machine as disclosed by Cunningham.

9. Claims 7 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al in view of Booth et al.

King et al discloses a bracket assembly for an electric machine having a base 79, support plates 81, support member 11, first and second end plates (see figure 1).

However, King et al does not disclose that the intermediate end extend radially from a support member.

On the other hand, Booth et al discloses for the purpose of balancing the dynamic forces generated by a load, an intermediate end 106 that extend radially from a support member 108 (see figures 5, 6).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design an bracket system as disclosed by King and to modify the invention by placing an intermediate end radially to a support member for the purpose of balancing the dynamic forces generated by a load as disclosed by Booth et al.

### ***Response to Arguments***

10. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).



11. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, King et al and Cunningham deal with improvements for rotating machines, especially the mounting portions. Also, Booth et al provides improvements for electrical machines.

12. Applicant's arguments filed 06/17/02 have been fully considered but they are not persuasive.

According to the Merriam-Webster Collegiate Dictionary, a bracket is an overhanging member that projects from a structure and is designed to support a load, thus King et al describes a bracket assembly for a dynamoelectric machine (see abstract). Moreover, no physical structure of the support plate is given nor a concise definition of what is considered a "plate". Respectfully, because there is no concise definition or a structure of the plates, the prior art may still read on the claims.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio C. Gonzalez whose telephone number is (703) 305-1563. The examiner can normally be reached on M-F (8AM-5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371.

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The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Jcg

September 5, 2002

  
NESTOR RAMIREZ  
SUPERVISORY PATENT EXAMINER  
RECEIVED SEP 10 2002